

REMARKS

1. Claims 2-4, 8-15, 23 and 24 were rejected as being indefinite under 35 U.S.C. 112, second paragraph.

2. Claims 2-4, 8 and 13 have been amended to correct the indefinite language indicated by the Examiner. Claims 2-4, 8-15, 23 and 24 are therefore submitted as being patentable under 35 U.S.C. 112, second paragraph.

3. Claims 1-4, 6, 8 and 15 were rejected under 35 U.S.C. 102(e) as anticipated by Vasquez et al (US 6287339).

4. Claim 1 distinguishes over Vasquez et al (US 6287339) by recitation of the novel method step of *selecting an anchor device for receipt through said annulus including spaced apart ring elements shiftable axially relative to one another from recessed to deployed positions and a retainer retained between said rings operable upon said rings being shifted from a retainer recessed position to a retainer deployed position projecting radially outwardly.*

Vasquez et al (US 6287339) does not disclose an anchor device with spaced apart ring elements shiftable axially relative to one another, nor does it disclose a retainer that when deployed projects radially outwardly from the anchor device. Claim 1, and claims 2-4 and 6 which depend from claim 1, are therefore submitted as being patentable over Vasquez et al (US 6287339) under 35 U.S.C. 102(e).

Claim 8 distinguishes over Vasquez et al (US 6287339) by recitation of the novel features of *first and second ring elements for receipt in said annulus, said rings spaced apart and shiftable axially relative to one another from a retracted to a deployed position; and a retainer device interposed between said rings and operable upon said rings being shifted to said deployed position to project radially outwardly to engage under a shelf of said annulus.*

As stated above, Vasquez et al (US 6287339) does not disclose an anchor device with spaced apart ring elements shiftable axially relative to one another, nor does it disclose a retainer that when deployed projects radially outwardly from the anchor device. Claim 8, and claim 15 which depends from claim 8, are therefore submitted as being patentable over Vasquez et al (US 6287339) under 35 U.S.C. 102(e).

5. Claims 1-5, 8, 9, 14, 23 and 24 were rejected under 35 U.S.C. 102(b) as anticipated by Shiley (US 3686740).

6. Claim 1 distinguishes over Shiley (US 3686740) by recitation of the novel method step of *selecting an anchor device for receipt through said annulus including spaced apart ring elements shiftable axially relative to one another from recessed to deployed positions and a retainer retained between said rings operable upon said rings being shifted from a retainer recessed position to a retainer deployed position projecting radially outwardly.*

Shiley (US 3686740) does not disclose an anchor device with spaced apart ring elements shiftable axially relative to one another for deployment of a retainer that projects radially outwardly from the anchor device. Claim 1, and claims 2-5 which depend from claim 1, are therefore submitted as being patentable over Shiley (US 3686740) under 35 U.S.C. 102(b).

Claim 8 distinguishes over Shiley (US 3686740) by recitation of the novel features of *first and second ring elements for receipt in said annulus, said rings spaced apart and shiftable axially relative to one another from a retracted to a deployed position; and a retainer device interposed between said rings and operable upon said rings being shifted to said deployed position to project radially outwardly to engage under a shelf of said annulus.*

As stated above, Shiley (US 3686740) does not disclose an anchor device with spaced apart ring elements shiftable axially relative to one another for deployment of a retainer that projects radially outwardly from the anchor device. Claim 8, and claims 9, 14, 23 and 24 which depend from claim 8, are therefore submitted as being patentable over Shiley (US 3686740) under 35 U.S.C. 102(b).

7. Examiner stated that claims 17-22 were objected to, but would be allowable if rewritten in independent form. Claims 17-22 are dependent upon a base claim that is submitted to be allowable; claims 17-22 are therefore submitted to be allowable in their present form.

CONCLUSION

For all of the reasons given above, applicant submits that all of the claims pending in the present application are both novel and nonobvious. Allowance of such claims is submitted to be proper and is respectfully requested. If the Examiner deems that any further changes to the claims are necessary prior to allowance of the application, the Examiner is urged to initiate a telephonic interview with applicant's representative at the number listed below.

Very respectfully,

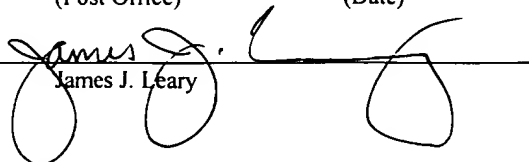

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CERTIFICATE OF MAILING

I hereby certify that this document addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 will be deposited with the U.S. Postal Service as first class mail with sufficient postage at Palo Alto on July 23, 2002.
(Post Office) (Date)

Signature


James J. Leary

AMENDED CLAIMS WITH MARKINGS TO SHOW CHANGES MADE



1. (amended) A method for implanting a heart valve anchor in a patient's heart annulus including:

selecting an anchor device for receipt through said annulus including spaced apart ring elements shiftable axially relative to one another from recessed to deployed positions and a retainer retained between said rings operable upon said rings being shifted from a retainer recessed position to a retainer deployed position projecting radially outwardly;

accessing an artery of said patient and inserting said anchor device therethrough to position it in said annulus; and

shifting said rings axially relative to one another to said deployed position to shift said retainer to said retainer deployed position.

2. (amended) The method for implanting a heart valve anchor as set forth in claim 1, wherein:

said step of selecting said anchor device includes selecting said anchor device to include a radially outwardly projecting stop ring on [the] a proximal end thereof; and

said step[s] of inserting said anchor device includes inserting it sufficiently far to position said stop ring on [the] a proximal side of said annulus.

3. (amended) The method for implanting a heart valve anchor as set forth in claim 1, that includes the steps of:

after shifting said retainer[s] to said retainer deployed position[s], shifting said rings to said recessed position to shift said retainer[s] from said retainer deployed position to said retainer recessed position.

4. (amended) The method for implanting a heart valve anchor as set forth in claim 1, that includes:

imbedding said retainer[s] in said annulus.

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6. (amended) The method for implanting a heart valve anchor as set forth in claim 1, wherein:

said rings are threaded to one another and said step of shifting said rings includes rotating said rings relative to one another to shift [shifting] them axially relative to one another.

8. (amended) An implantable anchor device for anchoring in an annulus, [and] comprising:

first and second ring elements for receipt in said annulus, said rings spaced apart [with one] and shiftable axially relative to one another from a retracted to a deployed position; and

a retainer device interposed between said rings and operable upon said [one] rings being shifted to said deployed position to project radially outwardly to engage under [the] a shelf of said annulus.

13. (amended) An anchor device as set forth in claim [8] 10, wherein:
said coupler includes screw threads.